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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,613	07/18/2000	Max Donath	U11.12-0137	9301

7590 12/12/2003
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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,613

Applicant(s)

DONATH ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. In view of the appeal brief filed on 10/14/03, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Application contains claims 2-15, 22-49 drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Zamojdo et al. (US Patent No. 6,272,431).

In summary, Zamojdo et al. discloses display on a mobile body (See Fig. 1, items 11, 16, in description See Col. 2, Lines 31-35), “to allow a mental image of the overall position of a car relative to a desired route to be quickly acquired, it is hereupon proposed to display the map information, possibly including a previously entered route or destination, in a head-up display”

Specifically with respect to claim 1, Zamojdo et al. discloses a display on a mobile body (Figures 1-5):

a **conformal** display of stored objects (See definition of **conformal** display in Applicant’s disclosure, page 29, Lines 10-16) in Figure 3, items 15-16, 621, which is the virtual image of connecting lines, arrows that are substantially aligned with the real ground landmarks with corresponding points on the map in a proper perspective which could be seen by the driver with an unobstructed field of view (See in description Col. 3, Lines 31-37 and Col. 2, Lines 31-48);

stored objects corresponding to object information contained in a data **storage** system in Fig. 3, items 621, 16, which is corresponded to “a previously entered desired route or destinations” (Col. 2, Lines 33-35) (emphasis added). Inherently, a previously entered objects need to be stored in a data storage system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamojdo et al. in view of Groves et al. (US Patent No. 5,414,439).

As to claim 16, Zamojdo et al. does not show displayed sensed objects, displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has visual contact with actual objects corresponding to the displayed sensed objects.

Groves et al. teaches displayed sensed objects, displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has visual contact with actual objects corresponding to the displayed sensed objects (See Fig. 1,4-5 items 12,14, 22, 24,30,30',30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

It would have been obvious to one of ordinary skill in the art at the time of invention use sensor or camera as shown by Groves et al. in Zamojdo et al. apparatus in order enhance night vision by infrared imaging in the line of sight of a vehicle operator (See Col.1, Lines 38-40 in the Groves et al. reference).

As to claim 17, Groves et al. teaches the display on mobile body wherein displayed sensed objects are positioned within a field of view of view of operator in the operator position, which approximately overlies the actual objects in the field of view (See Fig. 1,4-5 items 12,14, 22, 24,30,30',30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

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As to claim 18, Groves et al. teaches the display wherein the displayed object are displayed in a forward-looking view of the operator (See Fig. 1, 4-5 items 12, 1422, 24, 30, 30', 30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

5. Claim 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamojdo et al. and Groves et al. as applied to claim 18 above, and further in view of Lemelson et al. (US Patent No. 6, 226, 389 B1).

Zamojdo et al. and Groves et al. do not show mobile body comprises a vehicle travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, such as other vehicles or pedestrians, or animals proximate to the roadway, not fixed in place during normal operating circumstances of the roadway.

Lemelson et al. teaches mobile body comprises a vehicle (See Col. 2, Lines 21-22) travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, such as other vehicles or pedestrians, or animals proximate to the roadway, not fixed in place during normal operating circumstances of the roadway (See Fig. 1-2, items 17, 82, in description See Col. 2, Lines 19-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to display sensed objects correspond to transitory objects as shown by Lemelson et al. in Groves et al. and Zamojdo et al. apparatus in order to assist the driver of a motor vehicle in preventing accidents or minimizing the effects of same (See Abstract of Lemelson et al. reference).

Response to Amendment

6. Applicant's arguments filed on 03-18-03 with respect to claims 1, 16-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Telephone inquire

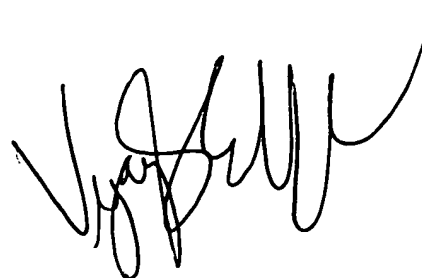
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, cursive script.

**VIJAY SHANKAR
PRIMARY EXAMINER**